

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: COHEN-HAGUENAUER

Examiner :

Serial No. : Continuation of Serial No. 09/433,322

Group Art Unit:

Filed:

Docket No.: 8078-110 USC1 (cont)

Title:

RETROVIRAL VECTOR FOR THE TRANSFER AND EXPRESSION OF GENES FOR
THERAPEUTIC PURPOSES IN EUKARYOTIC CELLS

DECLARATION REGARDING DEPOSIT OF BIOLOGICAL MATERIAL

Assistant Commissioner for Patents
Washington D.C. 20231

Dear Sir:

1. I, Odile COHEN-HAGUENAUER, Inventor of the above-mentioned invention and responsible for the pFOCH29 plasmid, do say and declare:

2. The deposit of plasmid pFOCH29 has been made at the CNCM on June 30, 1993, under Assession No. I-1325. This depository affords permanence of the deposit and ready availability thereto by the public if a patent is granted. CNCM is an abbreviation for Collection Nationale de Cultures de Microorganismes of the Institut Pasteur at 25 rue du Docteur Roux 75724 Paris Cedex 15 France (copy of deposit receipt in French attached).

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3. All restrictions on the availability to the public of the material deposited will be irrevocably removed upon the granting of the patent according to 37 C.F.R. § 1.808(a)(2).

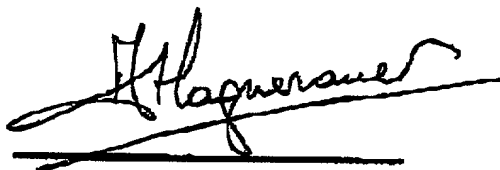
4. The material has been deposited under conditions that assure access to the material will be available during the pendency of the patent application to one determined by the Commissioner to be entitled thereto under 37 C.F.R. § 1.14 and 35 U.S.C. § 122 as specified in 37 C.F.R. § 1.808(a)(1).

5. The deposited material will be maintained with all the care necessary to keep it viable and uncontaminated for a period of at least five years after the most recent request for the furnishing of a sample of the deposited microorganism, and in any case, for a period of at least thirty (30) years after the date of deposit or for the enforceable life of the patent, whichever period is longer, as specified in 37 C.F.R. § 1.806.

6. I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the present patent application or any patent issuing thereon.

Sept 28th, 2001

Date



Odile COHEN-HAGUENAUER

09970597-100401

VERIFICATION OF A TRANSLATION
(VÉRIFICATION D'UNE TRADUCTION)

I, the below named translator, hereby declare that:

My name and post office address are as stated below:

That I am knowledgeable in the English language and in the language in which the below identified US patent application was filed, and that I believe the English translation of the US patent application filed on June 30, 1994 is a true and complete translation of the above identified US patent application as filed.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date

18 - VII 94

Full name of the translator (Nom et prénom du traducteur)
(dactylographiés ou imprimés)

JARVIS, DEREK

Signature of the translator (Signature du traducteur)

Derek Jarvis

Post Office Address (Adresse postale)

7, rue d'UPSM

67000 Strasbourg

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MERCHANT, GOULD, SMITH, EDELL, WELTER & SCHMIDT

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought, the invention entitled: RETROVIRAL VECTOR FOR THE TRANSFER AND EXPRESSION OF
GENES FOR THERAPEUTIC PURPOSES IN EUKARYOTIC CELLS

The specification of which

a. is attached hereto June 30, 1994

b. ☒ was filed on as application serial no. and was amended on (if applicable) (in the case of a PCT-filed application) described and claimed in international no. filed and as amended on (if any), which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claim as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (see page 3 attached hereto).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent of inventor's certificate listed below and have also identified below any foreign application for patent or inventor certificate having a filing date before that of the application on the basis of which priority is claimed:

a. no such applications have been filed.

b. ☒ such applications have been filed as follows:

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119

| COUNTRY | APPLICATION NUMBER | DATE OF FILING (day, month, year) | DATE OF ISSUE (day, month, year) |
|---------------|--------------------|--------------------------------------|-------------------------------------|
| <u>FRANCE</u> | <u>93 08015</u> | <u>30/06/1993</u> | |
| | | | |

ALL FOREIGN APPLICATIONS, IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)

| COUNTRY | APPLICATION NUMBER | DATE OF FILING (day, month, year) | DATE OF ISSUE (day, month, year) |
|---------|--------------------|--------------------------------------|-------------------------------------|
| | | | |
| | | | |

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application

| U.S. APPLICATION NUMBER | DATE OF FILING (day, month, year) | STATUS (patented, pending, abandoned) |
|-------------------------|-----------------------------------|---------------------------------------|
| | | |
| | | |

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

| | | | | | |
|---------------------|-------------------|-------------------------|-------------------|-------------------------|-------------------|
| Bartingale, Kari H. | Reg. No. 35,183 | Hillson, Randall A. | Reg. No. 31,838 | Schwappach, Karl G. | Reg. No. 35,786 |
| Batzli, Brian H. | Reg. No. 32,960 | Kluth, Daniel J. | Reg. No. 32,146 | Schwegman, Michael L. | Reg. No. 25,816 |
| Beck, Robert C. | Reg. No. 28,184 | Kowalchuk, Alan W. | Reg. No. 31,535 | Seager, Glenn M. | Reg. No. P-36,926 |
| Bogucki, Raymond A. | Reg. No. 17,426 | Kowalchuk, Katherine M. | Reg. No. P-36,848 | Sebald, Gregory A. | Reg. No. 33,280 |
| Brennan, Thomas F. | Reg. No. 35,075 | Lasky, Michael B. | Reg. No. 29,555 | Smith, Phillip H. | Reg. No. 20,476 |
| Bruss, Steven C. | Reg. No. 34,130 | Lundberg, Steven W. | Reg. No. 30,568 | Smith, Stephanie J. | Reg. No. 34,437 |
| Byrne, Linda M. | Reg. No. 32,404 | Lynch, David W. | Reg. No. 36,204 | Sorensen, Andrew D. | Reg. No. 33,606 |
| Carlson, Alan G. | Reg. No. 25,959 | Mau, Michael L. | Reg. No. 30,087 | Stenstrom, Dennis G. | Reg. No. 28,910 |
| Caspers, Philip P. | Reg. No. 33,227 | McDonald, Daniel W. | Reg. No. 32,044 | Strawbridge, Douglas A. | Reg. No. 28,376 |
| Clifford, John A. | Reg. No. 30,247 | McDonald, Wendy M. | Reg. No. 32,427 | Strodthoff, Kristine M. | Reg. No. 34,259 |
| Conrad, Timothy R. | Reg. No. 30,164 | Michel, Michelle M. | Reg. No. 33,968 | Sumner, John P. | Reg. No. 29,114 |
| DiPietro, Mark J. | Reg. No. 28,707 | Moy, R. Carl | Reg. No. 30,725 | Sumners, John S. | Reg. No. 24,216 |
| Edell, Robert T. | Reg. No. 20,187 | Muecing, Ann M. | Reg. No. 33,977 | Taylor, Gregory M. | Reg. No. 34,263 |
| Freed, Robert C. | Reg. No. 32,569 | Mundelius, Antony C. | Reg. No. 35,963 | Tellekson, David K. | Reg. No. 32,314 |
| Gafner, Peter J. | Reg. No. P-36,517 | Nelson, Albin J. | Reg. No. 28,650 | Underhill, Albert L. | Reg. No. 27,403 |
| Gates, George H. | Reg. No. 33,500 | Raasch, Kevin W. | Reg. No. 35,651 | Vandenburgh, J. Derek | Reg. No. 32,179 |
| Golla, Charles E. | Reg. No. 26,896 | Reiland, Earl D. | Reg. No. 25,767 | Vietzke, Lance L. | Reg. No. P-36,708 |
| Gould, John D. | Reg. No. 18,223 | Rothfus, Joel A. | Reg. No. 33,277 | Welter, Paul A. | Reg. No. 20,890 |
| Gresens, John J. | Reg. No. 33,112 | Schmidt, Cecil C. | Reg. No. 20,566 | Williams, Douglas J. | Reg. No. 27,054 |
| Hamre, Curtis B. | Reg. No. 29,165 | Schuman, Mark D. | Reg. No. 31,197 | Woessner, Warren D. | Reg. No. 30,440 |
| Hassing, Thomas A. | Reg. No. 36,159 | Schumann, Michael D. | Reg. No. 30,422 | Wood, Gregory B. | Reg. No. 28,133 |

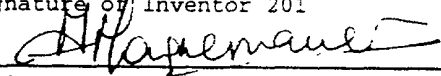
I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Merchant, Gould to the contrary.

Please direct all correspondence in this case to Merchant, Gould, Smith, Edell, Welter & Schmidt at the address indicated below:

3100 Norwest Center, Minneapolis, MN 55402-4131
Telephone No. (612)332-5300

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issue thereon.

| | | | | |
|-----|-------------------------|--------------------------|--------------------------|--------------------------|
| 201 | Full Name Of Inventor | Family Name | First Given Name | Second Given Name |
| | | COHEN-HAGUENAUER | Odile | |
| | Residence & Citizenship | City | State or Foreign Country | Country of Citizenship |
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| | Post Office Address | Post Office Address | City | State & Zip Code/Country |
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| 202 | Full Name Of Inventor | Family Name | First Given Name | Second Given Name |
| | Residence & Citizenship | City | State or Foreign Country | Country of Citizenship |
| | Post Office Address | Post Office Address | City | State & Zip Code/Country |
| 203 | Full Name Of Inventor | Family Name | First Given Name | Second Given Name |
| | Residence & Citizenship | City | State or Foreign Country | Country of Citizenship |
| | Post Office Address | Post Office Address | City | State & Zip Code/Country |

| | | |
|--|---------------------------|---------------------------|
| Signature of Inventor 201 | Signature of Inventor 202 | Signature of Inventor 203 |
|  | | |
| Date | Date | Date |
| July 12th 1994 | | |

For Additional Inventors:

Indicate here and attach sheet with same information, including date and signature.